



10/10/97

A/FWC

Express Mail No. EH966441983

ATTORNEY DOCKET NO. 23134-24

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Denisa D. Wagner and Robert C. Johnson
Serial No. Not yet assigned
Filed: October 10, 1997
For: METHOD FOR TREATING AND PREVENTING ATHEROSCLEROSIS

BOX FWC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- [✓] File Wrapper Continuing Application under 37 CFR 1.62
- [✓] Preliminary Amendment (including Exhibits A-L; Exhibit L includes Figs. 1-5)
- [✓] Declaration under 37 CFR 1.132 (including Appendix I)
- [✓] Copy of Petition for Three Month Extension of Time filed in 08/377,798 (including copy of transmittal letter and check)

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617) 439-2781, Boston, MA.

No check is enclosed. The Commissioner is requested to charge the filing fee of \$1,290.00 to Deposit Account No. 14/1449. A duplicate of this transmittal is enclosed.

Respectfully submitted,

By: Helen Grer
Helen Grer, Reg. No. 36,816
NUTTER, MCCLENNEN & FISH, LLP
One International Place
Boston, MA 02110-2699
Tel (617) 439-2781

October 10, 1997
391366_1.WP6

REQUEST FORM FOR FILE WRAPPER CONTINUING APPLICATION UNDER 37 CFR 1.62

Attorney's Docket Number 23134-24	Anticipated classification of this application Class Subclass 514	Prior Application Examiner K. Fonda Art Unit 1211
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Express Mail Label Number EH966441983
Date of Deposit: October 10, 1997

TO: **BOX FWC**
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

This is a request for filing a ☐ Continuation-in-part ☒ Continuation ☐ Divisional Application under 37 CFR 1.62 of prior application Serial No. 08/377,798, filed on January 24, 1995, entitled METHOD FOR TREATING AND PREVENTING ATHEROSCLEROSIS by the following named inventor(s).

FULL NAME OF INVENTOR	FAMILY NAME Wagner	FIRST GIVEN NAME Denisa	SECOND GIVEN NAME D.
RESIDENCE & CITIZENSHIP	CITY Wellesley	STATE/FOREIGN COUNTRY Massachusetts USA	CITIZENSHIP USA
POST OFFICE ADDRESS	P.O. ADDRESS 21 Richland Road	CITY Wellesley	STATE/ZIP/COUNTRY MA 02181
FULL NAME OF INVENTOR	FAMILY NAME Johnson	FIRST GIVEN NAME Robert	SECOND GIVEN NAME C.
RESIDENCE & CITIZENSHIP	CITY Sparta	STATE/FOREIGN COUNTRY New Jersey USA	CITIZENSHIP USA
POST OFFICE ADDRESS	P.O. ADDRESS 55 Fox Trail Road	CITY Sparta	STATE/ZIP/COUNTRY NJ 07871
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE/FOREIGN COUNTRY	CITIZENSHIP
POST OFFICE ADDRESS	P.O. ADDRESS	CITY	STATE/ZIP/COUNTRY

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

1. ☐ Enter the amendment previously filed on _____ Under 37 CFR §1.116 but unentered, in the prior application.

2. ☒ A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

CLAIMS AS FILED						
FOR	NUMBER FILED		NUMBER EXTRA	RATE		FEE
TOTAL CLAIMS	39	-20	= 19	X \$ 22.00	=	\$ 418.00
INDEPENDENT CLAIMS	4	-3	= 1	X \$ 82.00	=	\$ 82.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16 (d))					=	\$
BASIC FEE					=	\$ 790.00
<u>TOTAL FILING FEE:</u>					=	\$1,290.00

3. ☒ The Commissioner is hereby authorized to:
☐ charge any deficiency in the enclosed fees which may be required or credit any overpayment in the enclosed fees to Deposit Account 14/1449. A duplicate copy of this sheet is enclosed.
☒ charge any fees which may be required under 37 C.F.R. §1.16 and §1.17 to deposit Account No. 14/1449. A duplicate copy of this sheet is enclosed.

4. ☐ A check in the amount of _____ is enclosed.

5. ☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

6. ☒ Amend the specification by inserting before the first line the sentence:

This application is a ☐ continuation-in-part, ☒ continuation, ☐ division of application
 Serial No. 08/377,798 filed January 24, 1995, which is a continuation-in-part of application
 Serial No. 08/253,663 filed June 3, 1994, now abandoned.

7. ☐ A verified statement to establish small entity under 37 CFR 1.9 and 1.27
☐ is enclosed.
☐ was filed in the prior application no. 08/377,798, filed January 24, 1995, and such status is still proper and desired (37 CFR 1.28(a)).
8. ☐ Priority of application Serial No. _____, filed on _____ in _____ is claimed under 35 U.S.C. 119.
9. ☒ The prior application is assigned of record to Center for Blood Research, Inc.
10. ☒ Also enclosed: Copy of Petition for Three Month Extension of Time, Transmittal Letter, check and postcard for U.S. Serial No. 08/377,798 (parent application).
11. ☒ The power of attorney in the prior application is to:
a. ☒ The power appears in the original papers in the prior application.
b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
c. ☐ A new power has been executed and is attached.
11. ☒ Address all future communications: (May only be completed by applicant, or attorney or agent of record)

Helen Greer
Nutter, McClennen & Fish, LLP
One International Place
Boston, MA 02110
Tel: (617) 439-2781

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

October 10, 1997
Date

Helen Greer
Signature

Helen Greer
Typed or printed name

Person signing is:

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under 37 CFR § 1.34(a)

Registration number if acting under 37 CFR 1.34(a) _____

390488_1.WP6

Nutter, McClennen & Fish, LLP

ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2699

DATE

October 6, 1997

Check No. 2699

Fleet Bank

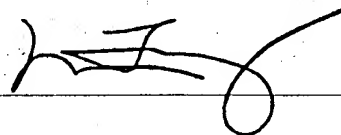
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PAY: Four hundred seventy-five and 00/100***** \$ 475.00

PAY
TO THE
ORDER OF:

Commissioner of Patents and Trademarks



⑈00002699⑈ ⑆011900445⑆

18146⑈

Serial No. 08/377,798 File No. 23134-3 By: HG/dv
Title: METHOD FOR TREATING AND PREVENTING ATHEROSCLEROSIS
Application of Denisa D. Wagner and Robert C. Johnson

* The following, DUE _____ in the U.S. PTO, was received in Mail Room on the date stamped hereon:

☒ ~~XXXX~~ Mailing by Express Mail (37 CFR 1.10)
Express Mail Label No. **EH966441966**
Cert. of Mailing under 37 CFR 1.8 (a)

☐ Application for Patent Inc. ____ pgs.
(____ pgs.) Specification, (____ pgs.) Abstract,
(____ pgs.) Claims (____ # Claims)

☐ Affidavit or ☐ Declaration/Oath
☐ Design Patent Application & Declaration & Oath
☐ Drawings ____ Sheet(s) (Figs. ____)

☐ Formal or ☐ Informal Drawing

☐ Multiple Dependent Claim Fee Sheet

☐ Priority Document(s) # _____

☐ Verified Statement to establish a small entity status

☐ Req. for Filing ☐ Cont. ☐ Chapter

☐ File Wrapper Contin (FWC) under 37 CFR 1.62

☐ Assignment

☐ Other _____

☐ Inf. Disc. Statement, PTO Form 1449 and
Reference Cited

☐ PCT Request 101 (____ sheets)

☐ Chapter 11 Demand

☐ PCT Fee/Calculation/Authorization Sheet

☐ Certificate of Service

☒ Check for \$ **475.00**

Check # **2699**

☐ Amendment

☐ Letter to Official Draftsman

☐ Declaration w/copy of notice to File Missing Parts

☐ Notice of Appeal

☐ Power of Attorney

☐ Brief (____ x3)

☒ Petition for Ext. of Time(x2)

☒ Transmittal Letter(x2)

Mailing 10/8/97

69169 U.S. PTO
08/948393
10/10/97

EH966441966US